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September 11, 2012

VIA ELECTRONICALLY FILED

Magistrate Judge Joan M. Azrack, USMJ
United States District Court
Eastern District of New York
United States Courthouse
Room N605
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Pierro v. Daewoo Motor America, Inc., et al.
Civil Action No.: 08-civ-0063 (RJD)(JMA)

Dear Magistrate Judge Azrack:

As Your Honor may recall, this office represents the interests of Daewoo Motor Company, Ltd. ("Daewoo") in the above-referenced action. Early in the summer, the Court set down a revised discovery schedule in this case which called for the Plaintiff to produce expert reports by June 15. A single page letter report on behalf of the Plaintiff was tendered by a liability expert retained by the Plaintiff. Difficulties in obtaining the deposition of that expert lead to Your Honor's revision of the discovery schedule regarding the timing of defense expert reports. The new revised date set by the Court was September 24, 2012.

On August 17, the deposition of Plaintiff's expert was finally taken. During the course of that deposition, however, the Plaintiff's expert recanted all of his previously-stated opinions concerning the case, leaving the Plaintiff without an expert liability report in his favor.

On August 22, 2012, with the deposition transcript finally in hand, this office requested of Judge Dearie a pre-hearing conference date to discuss the request of all Defendants for permission to file a summary judgment motion to conclude the litigation. The basis of the intended motion, was the absence of any expert analysis maligning the product or the conduct of the other Defendant in the action. Since the transmittal of the letter, this office has been in contact with the Court, and the Court is in the process of scheduling the pre-hearing conference. No date has yet been selected. Additionally, the Court itself has requested a copy of the deposition transcript of Plaintiff in order to verify the retraction of Plaintiff's expert's opinions in this case. The Court also entered an Order instructing the Clerk to seek out the comment of Plaintiff's counsel as to any intention of continued prosecution of this matter. All of these activities are still pending.

While the Defendants are awaiting the outcome of Judge Dearie's investigation into this matter, and his decision on the request for the permission to file a summary judgment motion, it

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is respectfully requested that the Court delay the deadline for Defendants to provide rebuttal expert reports. Indeed at this time, there is nothing to rebut given that Plaintiff no longer has any liability experts (nor experts of any kind) in support of his claim. Should somehow Judge Dearie provide relief to the Plaintiff allowing the continued prosecution of this matter, however, then a rebuttal report would be required, and a request to Your Honor would be made for additional time to secure same.

The undersigned will advise Your Honor and your staff as to the disposition of the request for permission to file a summary judgment motion upon receipt of same from Judge Dearie. In the interim, it would be appreciated if the Court could stay the deadline for Defendants' experts' reports.

By copy of this letter to Plaintiff's counsel, I am asking him to advise the court as to the accuracy of my statements made above regarding the withdrawal of his liability expert's opinion in this litigation.

In several days' time, I will contact the Court to determine its disposition of my request. I wish to thank the Court for its anticipated cooperation.

Respectfully submitted,

s/ Philip W. Crawford

Philip W. Crawford

PWC/kdc
Enclosure

cc: Joseph H. Neiman, Esq.
T. Steven Har, Esq.
Mark E. Thabet, Esq.
Dennis Ziemba, Esq.
Larry R. Schmadeka, Esq.
(w/enclosure) (Via E-filing)

P.S. For the ease of the Court's analysis of this request, a copy of the deposition transcript of Plaintiff's former expert Michael Angelo DiCicco is provided herewith. The Court's attention is directed to pages 47 through 68.

PWC

/k